

REMARKS

This Response is submitted in response to a non-final *Office Action* mailed September 11, 2007. Applicants appreciate the Examiner's participation in the in-person interview with Applicants and Applicants' representative on January 3, 2008.

Claims 1-17 are pending in the application. Claim 4 is objected to as a duplicate of claim 3. Claims 1, 2, 5-8, and 10-17 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Publication No. 2003/0221123 A1 to Beavers (hereinafter "Beavers"). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Beaver in view of *Best Practices inn Network Security* by Frederick M. Avolio (hereinafter "Avolio"). Claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Beaver as exemplified by *Intrusion Detection FAQ: Reconnaissance Techniques using Spoofed IP Addresses* by Tom Chmielarski (hereinafter "Chmielarski").

Applicants have amended claims 1-17. The amendments above add no new subject matter. Support for the amendments may be found in the original specification and claims.

Applicants respectfully traverse the Examiner's rejections and request reconsideration of the claims in light of the amendments above and remarks below.

I. Claim 4 Objection.

Claim 4 is objected to as a duplicate of claim 3. Applicants have amended claim 4 so that it is no longer a duplicate of claim 3. Applicants respectfully request that the Examiner withdraw the objection to claim 4 in light of the amendment.

II. Claims 1, 2, 5-8, and 10-17.

Claims 1, 2, 5-8, and 10-17 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Publication No. 2003/0221123 A1 to Beavers (hereinafter "Beavers"). In order to anticipate a claim under 35 U.S.C. § 102(b), a reference must teach each and every element of a claim. *See* MPEP § 2131.

Respectfully, Beavers does not teach each and every element of the rejected claims. The system disclosed in Beavers receives as input security events or "alerts" that are generated by devices that monitor security-related threats. The system produces an incident declaration as

output. *See* ¶¶ 3, 9-11. The purpose of the system in Beavers is to filter alerts in a network to alleviate the burden on overworked security administrator. *See* ¶¶ 4. The system in Beavers uses two types of decision tables in analyzing alerts, a correlation decision table and a watch list decision table. *See* ¶¶ 44, 48. The correlation decision table is a user-defined spreadsheet that allows a user to define a pattern of interest and a corresponding response. *See* ¶¶ 46, 49. The watch list decision table contains “information that should be remembered for possible incident declarations as further significant alerts are received;” it is essentially a buffer. *See* ¶ 44. By default, it is constructed automatically based on the correlation decision table, but may also be edited by the user to override the automated construction. *See* ¶¶ 52.

In contrast, in claim 1, Applicants claim “an authorization enforcement facility...operable to perform a risk-aware analysis of [a] connection to determine to determine [a] threat level associated with the connection based at least in part on the static policy data attribute.” Beavers does not disclose a “an authorization enforcement facility...operable to perform a risk-aware analysis of [a] connection to determine to determine [a] threat level associated with the connection based at least in part on the static policy data attribute.” Thus, claim 1 is patentable over Beavers, and Applicants respectfully request that the Examiner withdraw the rejection of claim 1.

Claims 2, 5-8, and 10-12 depend from and further limit claim 1. Thus, claims 2, 5-8, and 10-12 are patentable over Beavers for at least the same reasons as claim 1. Applicants respectfully request that the Examiner withdraw the rejection of claims 2, 5-8, and 10-12.

In claim 13, as amended, Applicants claim a method comprising “determining a threat level associated with the connection request based at least in part on the static policy data attribute.” As discussed in relation to claim 1 above, Beavers does not disclose a method comprising “determining a threat level associated with the connection request based at least in part on the static policy data attribute.” Thus Beavers does not anticipate claim 13, and Applicants respectfully request that the Examiner withdraw the rejection of claim 13.

Claims 14-17 depend from and further limit claim 13. Thus, claims 14-17 are patentable over Beavers for at least the same reasons as claim 13. Applicants respectfully request that the Examiner withdraw the rejection of claims 14-17.

III. Claims 3 and 4 under 35 U.S.C. § 103(a).

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Beaver in view of Avolio. In order to establish a *prima facie* case of obviousness, the reference must teach or suggest all of the claim limitations. *See* MPEP § 2143.

Claims 3 and 4 depend from and further limit claim 1. As discussed above, Beavers fails to teach or suggest all of the claim limitations of claim 1. Avolio is introduced as teaching that the severity of a threat is based upon the value of the object being secured. *See* Office Action, page 6. Thus, Avolio does not cure the deficiencies of Beavers, and claims 3 and 4 are patentable over Beavers in view of Avolio. Further, claim 4 has been amended, and the rejection of claim 4 is thus moot. Applicants respectfully request that the Examiner withdraw the rejection of claims 3 and 4.

IV. Claim 9.

Claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Beaver as exemplified by Chmielarski. In order to establish a *prima facie* case of obviousness, the reference must teach or suggest all of the claim limitations. *See* MPEP § 2143.

Claim 9 depends from and further limits claim 1. As discussed above, Beavers fails to teach or suggest all of the claim limitations of claim 1. Chmielarski is introduced as teaching active countermeasures. *See* Office Action, page 8. Thus, Chmielarski does not cure the deficiencies of Beavers, and claim 9 is patentable over Beavers in view of Chmielarski. Applicants respectfully request that the Examiner withdraw the rejection of Claim 9.

V. Prior Art Made of Record and Not Relied Upon

In the Conclusion, the Office Action list a references, which was made of record and not relied upon. During the interview, the Examiner requested that Applicants specifically consider these references. Applicants have done so. None of these references disclose a system comprising “an authorization enforcement facility...operable to perform a risk-aware analysis of

[a] connection to determine to determine [a] threat level associated with the connection based at least in part on the static policy data attribute” as recited in claim 1. Nor do any of these references disclose a method comprising “determining a threat level associated with the connection request based at least in part on the static policy data attribute” as recited in claim 13.

Applicants respectfully traverse the characterization and relevance of these references as prior art or otherwise, and respectfully reserve the right to present such arguments and other material should the Examiner maintain rejection of Applicants’ claims, based upon the reference made of record and not relied upon or otherwise.

VI. Conclusion

Applicants respectfully submit that all the currently pending claims are allowable. A favorable Office Action is respectfully solicited. The Examiner is invited to contact the undersigned at 336-607-7311 to discuss any matter related to the application.

Respectfully submitted,

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/John C. Alemanni/
John C. Alemanni
Registration No. 47,384

Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Phone: 336-607-7311
Fax: 336-734-2621